



General Assembly

Substitute Bill No. 1263

January Session, 2005

* SB01263JUD__041505__ *

AN ACT CONCERNING COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-223a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 Any operator of a motor vehicle who strikes any officer, as defined
4 in section 14-1, or any fire police officer, appointed in accordance with
5 section 7-313a, with such motor vehicle while such officer or fire police
6 officer is engaged in traffic control or regulation, provided such officer
7 is in uniform or prominently displaying the badge of his office [,] and
8 such fire police officer is in compliance with the provisions of section
9 7-313a, [such operator shall be deemed to have committed an
10 infraction and] (1) shall be fined not less than one hundred fifty dollars
11 [nor] or more than two hundred dollars, and [,] (2) for a subsequent
12 offense, shall be fined not more than two hundred fifty dollars or
13 imprisoned not more than thirty days, or both.

14 Sec. 2. Section 14-295a of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2005*):

16 An assessment of five dollars shall be imposed against any person
17 who is convicted of a violation of section 14-219, 14-222 or 14-227a
18 [who forfeits a cash bond or guaranteed bail bond certificate posted
19 under section 14-140a or under reciprocal agreements made with other

20 states for the alleged violation of any of said sections] or who pleads
21 nolo contendere to a violation of section 14-219 and pays the fine by
22 mail. Such assessment shall be in addition to any fee, cost or surcharge
23 imposed pursuant to any other provision of the general statutes. All
24 assessments collected pursuant to this section shall be deposited in the
25 General Fund and credited to the brain injury prevention and services
26 account established under section 14-295b.

27 Sec. 3. Subsection (e) of section 46b-15 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2005*):

30 (e) The applicant shall cause notice of the hearing pursuant to
31 subsection (b) of this section and a copy of the application and the
32 applicant's affidavit and of any ex parte order issued pursuant to
33 subsection (b) of this section to be served on the respondent not less
34 than five days before the hearing. The cost of such service shall be paid
35 for by the judicial branch. Upon the granting of an ex parte order, the
36 clerk of the court shall provide two certified copies of the order to the
37 applicant. Upon the granting of an order after notice and hearing, the
38 clerk of the court shall provide two certified copies of the order to the
39 applicant and a copy to the respondent. Every order of the court made
40 in accordance with this section after notice and hearing shall contain
41 the following language: "This court had jurisdiction over the parties
42 and the subject matter when it issued this protection order.
43 Respondent was afforded both notice and opportunity to be heard in
44 the hearing that gave rise to this order. Pursuant to the Violence
45 Against Women Act of 1994, 18 USC 2265, this order is valid and
46 enforceable in all fifty states, any territory or possession of the United
47 States, the District of Columbia, the Commonwealth of Puerto Rico
48 and tribal lands." Immediately after making service on the respondent,
49 the proper officer shall [provide a true and attested copy of any ex
50 parte order, including the applicant's affidavit and a cover sheet] send
51 or cause to be sent, by facsimile or other means, a copy of the
52 application stating the date and time the respondent was served, to the
53 law enforcement agency or agencies for the town in which the

54 applicant resides, [If the respondent does not reside in such town, the
55 proper officer shall immediately transmit by facsimile a true and
56 attested copy of the order, including the applicant's affidavit, to the
57 law enforcement agency for] the town in which the applicant is
58 employed and the town in which the respondent resides. The clerk of
59 the court shall send, by facsimile or other means, a copy of any ex
60 parte order and of any order after notice and hearing, or the
61 information contained in any such order, to the law enforcement
62 agency or agencies for the town in which the applicant resides, [and, if
63 the respondent resides in a town different than the town in which the
64 applicant resides, to the law enforcement agency for] the town in
65 which the applicant is employed and the town in which the
66 respondent resides, within forty-eight hours of the issuance of such
67 order. [If the applicant is employed in a town different than the town
68 in which the applicant resides, the clerk of the court shall send, by
69 facsimile or other means, a copy of any such order, or the information
70 contained in any such order, to the law enforcement agency for the
71 town in which the applicant is employed within forty-eight hours of
72 the issuance of such order. If the applicant is employed in a town
73 different than the town in which the applicant resides, or in which the
74 respondent resides, the proper officer shall transmit by facsimile a true
75 and attested copy of any such order, including the applicant's affidavit,
76 to the law enforcement agency for the town in which the applicant is
77 employed.]

78 Sec. 4. Section 51-36 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2005*):

80 (a) The Chief Court Administrator may cause any and all court
81 records, papers or documents, [other than records concerning title to
82 land,] required to be retained indefinitely or for a period of time
83 defined by (1) rules of court, (2) directives promulgated by the Office
84 of the Chief Court Administrator, or (3) statute, to be microfilmed. The
85 device used to reproduce such records, papers or documents on
86 microfilm shall be one which accurately reproduces the original
87 thereof in detail. Such microfilm shall be considered and treated the

88 same as the original records, papers or documents, provided a
89 certificate of authenticity appears on each roll of microfilm. A
90 transcript, exemplification or certified copy thereof shall for all
91 purposes be deemed to be a transcript, exemplification or certified
92 copy of the original. The original court records, papers or documents
93 so reproduced may be disposed of in such manner as approved by the
94 Office of the Chief Court Administrator. For the purposes of this
95 subsection, "microfilm" includes microcard, microfiche,
96 microphotograph, electronic medium or any other process which
97 actually reproduces or forms a durable medium for so reproducing the
98 original.

99 (b) Except as provided in subsection (c) of this section, any judge of
100 the Superior Court may order that official records of evidence or
101 judicial proceedings in said court, the Court of Common Pleas or the
102 Circuit Court, including official notes and tapes of evidence or judicial
103 proceedings concerning title to land, taken more than seven years prior
104 to the date of such order by any stenographer or official court reporter,
105 be destroyed by the person having the custody thereof.

106 (c) (1) In [cases] any case in which a person has been convicted after
107 trial of a felony, other than a capital felony, the official records of
108 evidence or judicial proceedings in the court may be destroyed upon
109 the expiration of twenty years from the date of disposition of such case
110 or upon the expiration of the sentence imposed upon such person,
111 whichever is later.

112 (2) In [cases] any case in which a person has been convicted after
113 trial of a capital felony, the official records of evidence or judicial
114 proceedings in the court may be destroyed upon the expiration of
115 seventy-five years from the conviction of such person.

116 (3) In any case in which a person has been found not guilty, or in
117 any case that has been dismissed or was not prosecuted, the court may
118 order the return or destruction of all exhibits entered in such case upon
119 the expiration of ninety days from the final disposition of such case,

120 unless a prior disposition has been ordered pursuant to section 54-36a.
121 In any case in which a nolle has been entered, the court may order the
122 destruction of all exhibits entered in such case upon the expiration of
123 thirteen months from the final disposition of such case. Not less than
124 thirty days prior to the scheduled destruction under this subdivision,
125 the clerk of the court shall send notice to all parties and any party may
126 request a hearing on such destruction before the court making such
127 order.

128 (4) In any case in which a person has been convicted after trial of a
129 misdemeanor or has been adjudicated a youthful offender, or in any
130 case in which the defendant entered a plea of guilty or nolo
131 contendere, the court may order the destruction of all exhibits entered
132 in such case upon the expiration of ninety days following the final
133 disposition of such case, unless a prior disposition has been ordered
134 pursuant to section 54-36a. Not less than thirty days prior to the
135 scheduled destruction under this subdivision, the clerk of the court
136 shall send notice to all parties and any party may request a hearing on
137 such destruction before the court making such order.

138 (5) This subsection shall not apply to any biological evidence
139 required to be preserved under section 54-102jj that has been entered
140 as an exhibit. This subdivision and subdivisions (3) and (4) of this
141 subsection shall apply to any criminal or motor vehicle case disposed
142 of before, on or after the effective date of this section.

143 (d) All court records other than records concerning title to land may
144 be destroyed in accordance with rules of court. Records concerning
145 title to land shall not be subject to any such destruction and may be
146 retained in an electronic format, except that official notes and tapes of
147 evidence or judicial proceedings concerning title to land may be
148 destroyed. All court records may be transferred to any agency of this
149 state or to any federal agency in accordance with rules of court or
150 directives promulgated by the Office of the Chief Court Administrator,
151 provided records in any action concerning title to land terminated by a
152 final judgment affecting any right, title or interest in real property shall

153 be retained for not less than forty years in the office of the clerk of the
154 court location in which the judgment was rendered. Any other judicial
155 branch books, records, papers or documents may be destroyed or
156 transferred to any agency of this state or to any federal agency in
157 accordance with directives promulgated by the Office of the Chief
158 Court Administrator.

159 (e) For the purposes of this section, "official records of evidence or
160 judicial proceedings" includes (1) the court file, that contains the
161 original documents or copies of any original documents that have been
162 removed, (2) all exhibits from the parties, whether marked for
163 identification or admitted as full exhibits, and (3) the transcripts of all
164 proceedings held in the matter, including voir dire.

165 Sec. 5. Subsection (b) of section 51-164n of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective*
167 *October 1, 2005*):

168 (b) Notwithstanding any provision of the general statutes, any
169 person who is alleged to have committed (1) a violation under the
170 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
171 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
172 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
173 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
174 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
175 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
176 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
177 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
178 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
179 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
180 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
181 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
182 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
183 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
184 14-153 or 14-163b, a first violation as specified in subsection (f) of
185 section 14-164i, section 14-219 as specified in subsection (e) of said

186 section, subdivision (1) of section 14-223a, as amended by this act,
 187 section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of section 14-
 188 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
 189 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-319,
 190 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or
 191 (3) of section 14-386a, section 15-33, subsection (a) of section 15-115,
 192 section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
 193 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642,
 194 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736,
 195 section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-
 196 87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
 197 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
 198 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
 199 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-
 200 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
 201 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
 202 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
 203 79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-
 204 15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b,
 205 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-
 206 100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-
 207 342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-
 208 391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section
 209 22a-250, subsection (e) of section 22a-256h, subsection (a) of section
 210 22a-381d, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b,
 211 subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21,
 212 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97,
 213 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-
 214 224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-
 215 198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-
 216 86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-
 217 24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48,
 218 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
 219 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,
 220 subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450,

221 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section
 222 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or 53-133,
 223 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-
 224 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-
 225 344 or 53-450, or (2) a violation under the provisions of chapter 268, or
 226 (3) a violation of any regulation adopted in accordance with the
 227 provisions of section 12-484, 12-487 or 13b-410, shall follow the
 228 procedures set forth in this section.

229 Sec. 6. Subsection (a) of section 52-185 of the general statutes is
 230 repealed and the following is substituted in lieu thereof (*Effective*
 231 *October 1, 2005*):

232 (a) If the plaintiff in any civil action is not an inhabitant of this state,
 233 or if it does not appear to the authority signing the process that the
 234 plaintiff is able to pay the costs of the action should judgment be
 235 rendered against him, the plaintiff shall [, before the process is signed,]
 236 enter into a recognizance to the adverse party with a financially
 237 responsible inhabitant of this state as surety, or a financially
 238 responsible inhabitant of this state shall enter into a recognizance to
 239 the adverse party, that the plaintiff shall prosecute his action to effect
 240 and answer all costs for which judgment is rendered against him. The
 241 recognizance shall not be discharged by any amendment or alteration
 242 of the process between the time of signing and of serving it.

243 Sec. 7. Subsection (a) of section 54-1d of the general statutes is
 244 repealed and the following is substituted in lieu thereof (*Effective*
 245 *October 1, 2005*):

246 (a) Except as provided in subsections (b) and (c) of this section,
 247 defendants in criminal actions shall be brought [either] for
 248 arraignment to the court in the geographical area_z established pursuant
 249 to section 51-348, in which the crime was alleged to have been
 250 committed, or, if the arrest was by warrant, to the court in the
 251 geographical area in which the arrest was made, [for arraignment] or,
 252 if the defendant is arrested on a warrant issued pursuant to section

253 53a-32 or for failure to appear as provided in section 53a-172 or 53a-
254 173, to the superior court having jurisdiction over the underlying
255 criminal prosecution. If the defendant was brought to the court in the
256 geographical area in which the arrest was made for arraignment and
257 was not released from custody after such arraignment, the defendant
258 shall be presented to the court in the geographical area in which the
259 crime was alleged to have been committed not later than the second
260 court day following such arraignment. A criminal cause shall not fail
261 on the ground that it has been submitted to a session of improper
262 venue.

263 Sec. 8. Section 54-64d of the general statutes is repealed and the
264 following is substituted in lieu thereof (*Effective October 1, 2005*):

265 (a) When any person is taken into custody on a capias issued by
266 order of the Superior Court, the proper officer or state police officer
267 taking the person into custody shall, without undue delay, bring such
268 person before the court [which] that issued the capias.

269 (b) If a courthouse lockup operated by the judicial branch is
270 available at [such] the court that issued the capias and is operational at
271 the time the proper officer or state police officer brings [such] the
272 person taken into custody to the court, the proper officer or state police
273 officer shall transfer the custody of such person to a judicial marshal at
274 the court unless such person requires medical attention or there is
275 insufficient space for such person at such lockup. [If the court is not in
276 session, the proper officer shall, without undue delay, bring such
277 person before the clerk or assistant clerk of the court which issued the
278 capias during the office hours of the clerk. If the clerk's office is not
279 open, the proper officer shall, without undue delay, take such person
280 to a community correctional center within the judicial district where
281 the capias was issued or, if there is no community correctional center
282 within such judicial district, to the nearest community correctional
283 center.]

284 (1) If the court is in session, the judicial marshal shall present such

285 person before the court. If the court is not in session but the clerk's
286 office is open, the judicial marshal shall present such person before the
287 clerk or assistant clerk or a person designated by the Chief Court
288 Administrator.

289 (2) If the court is not in session and the clerk's office is closed, and
290 such person indicates to the judicial marshal that he or she can meet
291 the conditions of release fixed by the court, the judicial marshal shall,
292 without undue delay, either (A) transport such person to a community
293 correctional center within the judicial district or, if there is no
294 community correctional center within the judicial district, to the
295 nearest community correctional center, for the purpose of entering into
296 the condition of release fixed by the court, or (B) if more expedient,
297 hold the person in custody until the clerk's office is open or the next
298 session of the court, for the purpose of entering into the condition of
299 release fixed by the court. If such person does not indicate to the
300 judicial marshal that he or she can meet the conditions of release fixed
301 by the court, the judicial marshal shall hold the person in custody until
302 the clerk's office is open or the next session of the court, for the
303 purpose of entering into the condition of release fixed by the court.

304 (c) If a courthouse lockup operated by the judicial branch is not
305 available at the court that issued the capias, or is available but is not
306 operational or has insufficient space, the proper officer or state police
307 officer taking the person into custody shall, without undue delay,
308 transport such person to a community correctional center within the
309 judicial district or, if there is no community correctional center within
310 the judicial district, to the nearest community correctional center for
311 the purpose of entering into the condition of release fixed by the court.

312 (d) The clerk or assistant clerk or a person designated by the
313 Commissioner of Correction or by the Chief Court Administrator shall
314 order the person taken into custody on the capias to enter into the
315 condition of release fixed by the court on the condition that such
316 person shall appear before the next session of the superior court
317 [which] that issued the capias. Upon the failure of such person to enter

318 into the condition of release fixed by the court, the person shall be held
319 in the correctional center pursuant to the *capias* until the next session
320 of the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	14-223a
Sec. 2	<i>October 1, 2005</i>	14-295a
Sec. 3	<i>October 1, 2005</i>	46b-15(e)
Sec. 4	<i>October 1, 2005</i>	51-36
Sec. 5	<i>October 1, 2005</i>	51-164n(b)
Sec. 6	<i>October 1, 2005</i>	52-185(a)
Sec. 7	<i>October 1, 2005</i>	54-1d(a)
Sec. 8	<i>October 1, 2005</i>	54-64d

JUD *Joint Favorable Subst.*